

1/30/04

1635

Attorney Docket No. 52456-8017.US01

I hereby certify that this correspondence is being deposited with the U.S. Postal Service with sufficient postage as Express Mail Post Office to Addressee using Express Mail Label No. EV 337 197 975 US in an Express Mail envelope addressed to: Mail Stop SEQUENCE, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450, on:

Date: January 29, 2004By Lynne Anderson

PATENT

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: Innis *et al.*

SERIAL NO.: 09/826,519

FILED: April 3, 2001

FOR: CHIMERIC ANTISENSE OLIGONUCLEOTIDES AND CELL TRANSFECTING  
FORMULATIONS THEREOF

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Response to Notice to Comply for Patent Applications Containing Nucleotide Sequence  
and/or Amino Acid Sequence Disclosures

Mail Stop SEQUENCE  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

Sir:

1. In response to the Notice to Comply mailed January 14, 2004 (copy enclosed), applicant submits the following:

- An Amendment  
 A Sequence Listing, Diskette and Matching Declaration.

2. Conditional Petition for Extension of Time

Applicant petitions for an Extension of Time if necessary for timely filing of these papers.

3. Fee Payment

- No fee is believed due; however, the Commissioner is hereby authorized to charge any underpayment or credit any overpayment to Deposit Account No. 50-2207.

Respectfully submitted,

*LeeAnn Gorthey*  
LeeAnn Gorthey  
Registration No. 37,337

Date: 1-29-04Correspondence Address:

Chiron Corporation  
4560 Horton Street  
Emeryville, CA 94608-2916



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
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APPLICATION NO.	FILING DATE	NAME OF INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/826,519	04/03/2001	Michael A. Innis	1565.006	2840
7590	01/14/2004			
			EXAMINER	
			EPPS FORD, JANET L	
			ART UNIT	PAPER NUMBER
			1635	147
DATE MAILED: 01/14/2004				

**COPY**

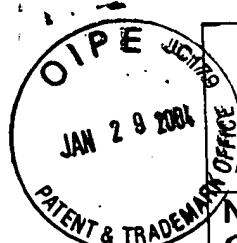
Please find below and/or attached an Office communication concerning this application or proceeding.



RECEIVED  
 FEB 05 2004  
 TECH CENTER 15-1427

DOCKETED on/by 1/19/04, on  
 Atty. AWC PA  
 File # PP61565.006  
 Due Date 2/14/04 Ext SL5  
 Final Date 2/14/04 SL0

5/28/03 submission not complete



COPY

## Notice to Comply

Application No.

09/826,519

Examiner

Janet Epps-Ford

Applicant(s)

Innis et al.

Art Unit

1635

**NOTICE TO COMPLY WITH REQUIREMENTS FOR PATENT APPLICATIONS  
CONTAINING NUCLEOTIDE SEQUENCE AND/OR AMINO ACID SEQUENCE  
DISCLOSURES**

Applicant must file the items indicated below within the time period set by the Office action to which the Notice is attached to avoid abandonment under 35 U.S.C. § 133 (extensions of time may be obtained under the provisions of 37 CFR 1.136(a)).

The nucleotide and/or amino acid sequence disclosure contained in this application does not comply with the requirements for such a disclosure as set forth in 37 C.F.R. 1.821 - 1.825 for the following reason(s):

- 1. This application clearly fails to comply with the requirements of 37 C.F.R. 1.821-1.825. Applicant's attention is directed to the final rulemaking notice published at 55 FR 18230 (May 1, 1990), and 1114 OG 29 (May 15, 1990). If the effective filing date is on or after July 1, 1998, see the final rulemaking notice published at 63 FR 29620 (June 1, 1998) and 1211 OG 82 (June 23, 1998).
- 2. This application does not contain, as a separate part of the disclosure on paper copy, a "Sequence Listing" as required by 37 C.F.R. 1.821(c).
- 3. A copy of the "Sequence Listing" in computer readable form has not been submitted as required by 37 C.F.R. 1.821(e).
- 4. A copy of the "Sequence Listing" in computer readable form has been submitted. However, the content of the computer readable form does not comply with the requirements of 37 C.F.R. 1.822 and/or 1.823, as indicated on the attached copy of the marked-up "Raw Sequence Listing."
- 5. The computer readable form that has been filed with this application has been found to be damaged and/or unreadable as indicated on the attached CRF Diskette Problem Report. A Substitute computer readable form must be submitted as required by 37 C.F.R. 1.825(d).
- 6. The paper copy of the "Sequence Listing" is not the same as the computer readable form of the "Sequence Listing" as required by 37 C.F.R. 1.821(e).

- 7. Other A substitute paper copy of the Sequence listing was not provided with the CRF filed 6-16-03.

**Applicant Must Provide:**

- An initial or substitute computer readable form (CRF) copy of the "Sequence Listing".
- An initial or substitute paper copy of the "Sequence Listing", as well as an amendment directing its entry into the specification.
- A statement that the content of the paper and computer readable copies are the same and, where applicable, include no new matter, as required by 37 C.F.R. 1.821(e) or 1.821(f) or 1.821(g) or 1.825(b) or 1.825(d).

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FEB 05 2004

For questions regarding compliance to these requirements, please contact:

For Rules Interpretation, call (703) 308-4216

For CRF Submission Help, call (703) 308-4212

PatentIn Software Program Support

Technical Assistance.....703-287-0200

To Purchase PatentIn Software.....703-306-2600

**PLEASE RETURN A COPY OF THIS NOTICE WITH YOUR REPLY**



Express Mail Label No. 52456-8017.US01

Attorney Docket No. 52456-8017.US01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

IN RE APPLICATION OF: INNIS *et al.*

APPLICATION NO.: 09/826,519

FILED: APRIL 3, 2001

FOR: CHIMERIC ANTISENSE OLIGONUCLEOTIDES AND CELL  
TRANSFECTING FORMULATIONS THEREOF

EXAMINER: EPPS-FORD, J.

ART UNIT: 1635

CONFIRMATION NO. 2840

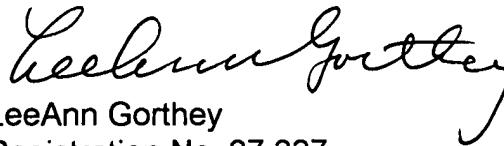
Declaration Under 37 CFR §1.821

Sir:

I, LeeAnn Gorthey, declare and affirm as follows:

1. I am an agent for the applicant.
2. The floppy disc which accompanies this Declaration contains the required sequence listing.
3. The sequence listing recorded on said disc matches the hard copy of the sequence listing submitted herewith.
4. The present submission contains no new matter relative to the application as originally filed.

Respectfully submitted,  
Perkins Coie LLP

  
LeeAnn Gorthey

Registration No. 37,337

Date: 1-29-2004

Correspondence Address:  
Chiron Corporation  
4560 Horton Street  
Emeryville, CA 94608-2916